

# **EXHIBIT 27**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC., et al.,

Defendants.

CASE NO. 1:17-cv-02635-CAB

JUDGE CHRISTOPHER A. BOYKO

**PLAINTIFF’S OBJECTIONS AND RESPONSES TO DEFENDANTS 2K GAMES, INC.  
AND TAKE-TWO INTERACTIVE SOFTWARE, INC.’S SECOND SET OF REQUESTS  
FOR ADMISSION**

Under the Federal Rules of Civil Procedure 36 and the Local Civil Rules for the United States District Court for the Northern District of Ohio, Plaintiff James Hayden (“Hayden”) objects and responds to Defendants’ (2K Games, Inc. and Take-Two Interactive Software, Inc.) (collectively (“Take-Two”)) Second Set of Requests for Admission (Nos. 242-264) as follows:

**GENERAL STATEMENT**

Hayden’s responses are made without in any way waiving or intending to waive but, on the contrary, intending to preserve and expressly preserving:

- (1) the right to raise all questions or relevancy, materiality, privilege, and admissibility into evidence to any interrogatory or the answer thereto;
- (2) the right to object on any grounds at any time to other requests or other discovery involving the information provided; and

**RESPONSES AND OBJECTIONS TO REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 242:**

Admit that the NBA 2K GAMES simulate basketball.

**RESPONSE:**

Plaintiff objects to this request as vague and ambiguous, including with regard to the phrase, “simulate basketball.” Plaintiff further objects to this request as seeking information not relevant to the claims and defenses at issue in this case. Plaintiff further objects to this request because it depends on particular facts not set forth in the request and is thus an incomplete hypothetical. Without waiving these objections or the General Objections set forth above, Plaintiff admits that Defendants contend that NBA 2K Games simulate basketball and further admits that NBA 2K Games, when used in operational mode, present images simulating a certain type of basketball exemplified by that played in the National Basketball Association.

**REQUEST FOR ADMISSION NO. 243:**

Admit that in the NBA 2K GAMES, the user plays against another user in a simulation of a basketball game.

**RESPONSE:**

Plaintiff objects to this request as vague and ambiguous, including with regard to the phrase, “simulation of a basketball game.” Plaintiff further objects to this request as seeking information not relevant to the claims and defenses at issue in this case. Plaintiff further objects to this request because it depends on particular facts not set forth in the request and is thus an incomplete hypothetical. Without waiving these objections or the General Objections set forth above, Plaintiff admits that NBA 2K Games, when used in operational mode, allow a user to play

Dated: October 31, 2019

By: /s/ Andrew Alexander

Daniel McMullen (Ohio Bar No. 0034380)  
Georgia E. Yanchar (Ohio Bar No. 0071458)  
Jennifer Wick (Ohio Bar No. 0074340)  
Andrew Alexander (Ohio Bar No. 0091167)  
CALFEE, HALTER & GRISWOLD LLP  
The Calfee Building  
1405 East Sixth Street  
Cleveland, Ohio 44114-1607  
Telephone: (216) 622-8200  
Facsimile: (216) 241-0816  
E-mail: [dmcmullen@calfee.com](mailto:dmcmullen@calfee.com)  
[gyanchar@calfee.com](mailto:gyanchar@calfee.com)  
[aalexander@calfee.com](mailto:aalexander@calfee.com)  
[jwick@calfee.com](mailto:jwick@calfee.com)

*Of Counsel*

Kimberly A. Pinter (Ohio Bar No. 0084277)  
CALFEE, HALTER & GRISWOLD LLP  
The Calfee Building  
1405 East Sixth Street  
Cleveland, Ohio 44114-1607  
Telephone: (216) 622-8200  
Facsimile: (216) 241-0816  
E-mail: [kpinter@calfee.com](mailto:kpinter@calfee.com)